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## FACSIMILE TRANSMISSION

Total # of Pages 23 (including this page)

TO:	PHONE #:	FAX #:
Examiner Michael G. Hartley - Art Unit 1616 Commissioner for Patents	(703) 308-4411	(703) 872-9306

From : Stephen E. Reiter *SR*  
Email Address : sreiter@foley.com  
Sender's Direct Dial : 858.847.6711  
Date : June 23, 2004  
Client/Matter No : 071243-1301  
User ID No : 1877

## MESSAGE:

Re: Application Serial No. 09/446,783

Following are copies of:

Request for Continued Examination (RCE) Transmittal (8 pgs.) (in duplicate)  
Amendment (10 pgs.)  
Updated Application Data Sheet (4 pgs.)

If there are any problems with this transmission or if you have not  
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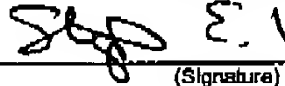
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Atty. Dkt. No. ABI1460-2  
(071243-1301)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

Applicant Desai et al.  
  
Title: NOVEL FORMULATIONS  
OF PHARMACOLOGICAL  
AGENTS, METHODS FOR  
THE PREPARATION  
THEREOF AND METHODS  
FOR THE USE THEREOF

<p><b>CERTIFICATE OF FACSIMILE TRANSMISSION</b> I hereby certify that this paper is being facsimile transmitted to the United States Patent and Trademark Office, Alexandria, Virginia on the date below.</p> <p><u>Stephen E. Reiter, Reg. No. 31,192</u> (Printed Name)</p> <p><u></u> (Signature)</p> <p><u>August 6, 2004</u> (Date of Deposit)</p>
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Appl. No.: 09/446,783

Appl. Filing Date: 05/16/2000

Examiner: M. Hartley

Art Unit: 1616

**REQUEST FOR CONTINUED EXAMINATION (RCE)**  
**TRANSMITTAL**

Mail Stop RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Sir:

This is a Request for Continued Examination (RCE) under 37 C.F.R. § 1.114 of the above-identified application. This RCE and the enclosed items listed below are being filed prior to the earliest of: (1) payment of the issue fee (unless a petition under 37 C.F.R. § 1.313 is granted); (2) abandonment of the application; or (3) the filing of a notice of appeal to the U.S. Court of Appeals for the Federal Circuit under 35 U.S.C. §141, or the commencement of a civil action under 35 U.S.C. §145 or §146 (unless the appeal or civil action is terminated).

In re application of  
Desai et al.  
Application No.: 09/446,783

Atty. Dkt. No. ABI1460-2  
(071243-1301)

1. Submission required under 37 C.F.R. §1.114: (check items that apply)

a. Previously submitted:

- ☐ Please enter and consider the amendment/reply previously filed on \_\_\_\_.
- ☐ Please consider the Affidavit(s)/Declaration(s) previously filed on \_\_\_\_ but not considered.
- ☐ Please consider the arguments in the Appeal Brief or Reply Brief under 37 C.F.R. § 1.116 previously filed on \_\_\_\_.
- ☐ Other \_\_\_\_.

b. Enclosed are:

- ☒ Amendment/Reply.
- ☐ Affidavit(s)/Declaration(s).
- ☐ Information Disclosure Statement.
- ☐ Form PTO-1449 with copies of \_\_\_\_ listed reference(s).
- ☒ Other . Updated Application Data Sheet.

Miscellaneous:

- ☐ Suspension of action of the above-identified application is requested under 37 C.F.R. § 1.103(c) for a period of \_\_\_\_ months.

Atty. Dkt. No. ABI1460-2  
(071243-1301)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

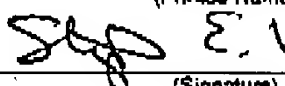
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Examiner: M. Hartley

Art Unit: 1616

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Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

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In re application of  
Desai et al.  
Application No.: 09/446,783

Atty. Dkt. No. ABI1460-2  
(071243-1301)

The filing fee is calculated below:

	Claims as Amended	Previously Paid For	Extra Claims Present	Rate	Fee Totals
RCE Fee 1.17(e):				\$770.00	= \$770.00
Total Claims:	22	- 80	= 0	x \$18.00	= \$0.00
Independents	1	- 19	= 0	x \$86.00	= \$0.00
First presentation of any Multiple Dependent Claims:				+ \$290.00	= \$0.00
CLAIMS FEE TOTAL:					= \$770.00

☒ Applicant hereby petitions for an extension of time under 37 C.F.R. §1.136(a) for the total number of months checked below:

<input type="checkbox"/>	Extension for response filed within the first month:	\$110.00	0	\$0.00
<input type="checkbox"/>	Extension for response filed within the second month:	\$420.00		\$0.00
<input checked="" type="checkbox"/>	Extension for response filed within the third month:	\$950.00		\$950.00
<input type="checkbox"/>	Extension for response filed within the fourth month:	\$1,480.00		\$0.00
<input type="checkbox"/>	Extension for response filed within the fifth month:	\$2,010.00		\$0.00
EXTENSION FEE SUBTOTAL:				\$950.00
EXTENSION FEE ALREADY PAID: -				\$0.00
EXTENSION FEE TOTAL				\$950.00
CLAIMS AND EXTENSION FEE TOTAL:				\$1720.00
<input type="checkbox"/>	Small Entity Fees Apply (subtract 1/2 of above):			\$0.00
<input type="checkbox"/>	Suspension of action requested under 37 C.F.R. § 1.103(c)			\$0.00
TOTAL FEE:				\$1720.00

☒ Please charge Deposit Account No. 50-0872 in the amount of \$1720.00. A duplicate copy of this transmittal is enclosed.

In re application of  
Desai et al.  
Application No.: 09/446,783

Atty. Dkt. No. ABI1460-2  
(071243-1301)

- ☐ A check in the amount of \$1720.00 to cover the filing fee is enclosed.
- ☒ The Commissioner is hereby authorized to charge any additional fees which may be required regarding this application under 37 C.F.R. §§ 1.16-1.17, or credit any overpayment, to Deposit Account No. 50-0872. Should no proper payment be enclosed herewith, as by a check being in the wrong amount, unsigned, post-dated, otherwise improper or informal or even entirely missing, the Commissioner is authorized to charge the unpaid amount to Deposit Account No. 50-0872.

Please direct all correspondence to the undersigned attorney or agent at the address indicated below.

Respectfully submitted,

Date

8/6/04

By



FOLEY & LARDNER LLP  
Customer Number: 30542  
Telephone: (858) 847-6711  
Facsimile: (858) 792-6773

Stephen E. Reiter  
Attorney for Applicant  
Registration No. 31,192

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PATENT  
Attorney Docket No.: VPHAR1460-2  
(ABI1460-2/071243-1301)

**IN THE UNITED STATES PATENT AND TRADEMARK OFFICE**

In re Application of: Desai *et al.*

Application No.: 09/446,783

Confirmation No: 2878

Filing Date: May 16, 2000

For: NOVEL PACLITAXEL-CONTAINING  
FORMULATIONS, METHODS FOR  
PREPARATION AND METHODS FOR  
USE

Group Art Unit: 1616

Examiner: Michael G. Hartley

**CERTIFICATE OF FACSIMILE TRANSMISSION**

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the United States Patent and Trademark Office, Alexandria, VA.,  
on the date below.

Stephen E. Reiter, Reg. No. 31,192

Name of person mailing paper



Signature

August 6, 2004

Date

MAIL STOP RCE  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

**AMENDMENT**

Sir:

In conjunction with the request for continued examination submitted on even date  
herewith, and responsive to the issues raised in the Office Action mailed February 10, 2004,  
please consider the following amendments and remarks.

**Amendments to the Specification** begin on page 2 of this paper.

**Amendments to the Claims/Listing of Claims** begin on page 3 of this paper.

**Remarks** begin on page 6 of this paper.